

## **REMARKS/ARGUMENT**

### **Election/Restrictions:**

Applicants acknowledge the Examiner's comments regarding the election of Group I.

### **Information Disclosure Statement:**

Applicants submit a new Information Disclosure Statement as requested by the Examiner. The Examiner advises that the references cited on Applicant's Form PTO-1449 filed May 20, 2005 have not been considered due to the fact that copies of the cited references were not provided. A copy of each cited foreign patent document and non-patent publication is being provided along with the required fee of \$180.

### **Objection to the Specification:**

The Examiner objects to the Applicant's specification because of its layout and provides guidelines, as per 37 CFR 1.77(b), that illustrate a suggested layout for the specification of a utility application. Applicants stress that these are not mandatory guidelines. Without acquiescing to the Examiner's objection, Applicants have incorporated some of the preferred guidelines for the arrangement of the specification.

The Examiner requests that Applicants amend the first line of the specification to indicate that the instant application is the national stage entry of PCT/EP03/11379, filed October 14, 2003 and claims the benefit of U.S. Provisional Application No. 60/418,554 filed October 15, 2002 and U.S. Provisional Application No. 60/428,621 filed November 22, 2003, respectively. Applicants have amended the first line of the specification accordingly.

Based on the foregoing, applicants respectfully request that the objection to the specification be reconsidered and withdrawn.

### **Abstract:**

The Examiner requests that a corrected Abstract be presented. A new Abstract of the disclosure is submitted on a separate sheet.

Claim Objections:

The claims have been amended to overcome the objections raised by the Examiner. More specifically, claim 1 is "currently amended" and defines the active as zoledronic acid or a pharmaceutically acceptable salt thereof or any hydrate thereof. Claim 18 has been cancelled.

Claim Rejections - 35 U.S.C. §112:

With respect to claim 1, the effective amount is limited to the administration of zoledronic acid. The Examples in the specification provide the appropriate guidance to ascertain what a suitable amount is for zoledronic acid. Applicants respectfully request this rejection be withdrawn.

Claim Rejections - 35 U.S.C. §102(b):

The present set of claims are not anticipated by Ylitalo et al. The present set of claims define a method of treating atherosclerosis in a patient which comprises zoledronic acid. As stated by the Examiner in the official action, Ylitalo et al. describes pamidronate. Ylitalo et al. does not teach every limitation recited in the claims. Therefore, Applicants request this rejection be withdrawn.

Respectfully submitted,

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